

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

IAN ELLIOT,

Plaintiff,

vs.

CINDY M. ELLIOT and ELLIOT AND
ASSOCIATES,

Defendants.

CV 15-107-BLG-JTJ

ORDER

The Court conducted a hearing on all pending motions on May 10, 2021.

For the reasons stated in open court,

IT IS HEREBY ORDERED:

1. Defendants' Motion for a Protective Order (Doc. 137) is GRANTED.
2. Plaintiff's Motion for Leave to File a Fourth Amended Complaint (Doc. 125) is GRANTED.
3. Plaintiff's Motion for Leave to File a Supplement to his Fourth Amended Complaint (Doc. 163) is GRANTED.
4. Plaintiff's Amended Motion for Leave to File a Supplement to his Fourth Amended Complaint (Doc. 175) is GRANTED.

5. Plaintiff's Motion for Leave to File a Supplemental Objection to Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (Doc. 174) is GRANTED.

6. Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (Doc. 165) is DENIED as moot.

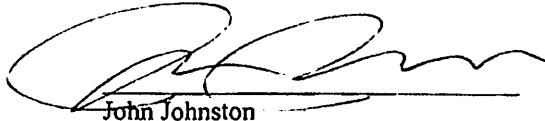
7. The portion of Plaintiff's Fourth Amended Complaint that asserts direct claims as an individual is DISMISSED with prejudice as futile. Plaintiff conceded in open court that all of his direct claims are premised upon Defendant Cindy Elliot's alleged wrongful taking of money from StarFire and Ada Elliot. The Montana Thirteenth Judicial District Court, Yellowstone County, has appointed Joseph Womack as the Special Administrator of the Estate of Ada E. Elliot and as the Liquidating Partner of StarFire, L.P. (StarFire). (Docs. 135-3; 135-5; 166-3). Mr. Womack is the only person who possesses standing to assert direct claims based on Defendant Cindy Elliot's alleged wrongful taking of money from StarFire and Ada Elliot. *Id.*

8. The portion of Plaintiff's Fourth Amended Complaint that asserts derivative claims on behalf of StarFire and the Estate of Ada E. Elliot is STAYED. All further proceedings related to Plaintiff's derivative claims shall be STAYED until the accounting firm Wipfli, LLP completes its audit of the financial records

of both StarFire and the Estate of Ada E. Elliot.

9. Defendants' counsel shall submit a report to the Court on the status of the audit every 60 days until the audit has been completed. The first status report must be submitted to the Court on or before July 9, 2021.

DATED this 11th day of May, 2021.



John Johnston
United States Magistrate Judge